

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

v.

J. RIVERA, et al.,

Defendants.

Case No. 1:21-cv-01324-EPG (PC)

ORDER DIRECTING CLERK TO REFUND  
FILING FEE AND TO SERVE THE  
DIRECTOR OF THE CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION WITH: (1) THIS ORDER;  
AND (2) THE COURT'S SEPTEMBER 3,  
2021 ORDER (ECF NO. 8)

On September 2, 2021, Plaintiff Thomas K. Mills ("Plaintiff") filed the complaint in this case along with a motion to proceed *in forma pauperis*. (ECF Nos. 1-2.) The Court granted the motion to proceed *in forma pauperis* and directed the Director of the California Department of Corrections and Rehabilitation ("CDCR") to collect payments from Plaintiff's prison trust account. (ECF No. 6.)

On September 3, 2021, the Court entered findings and recommendations recommending that this action be dismissed as duplicative of *Thomas K. Mills v. I.Z. Jones, et al.*, Case No. 1:21-cv-01193-HBK ("*Mills I*"). (ECF No. 8.) In light of this recommendation, the Court vacated the order granting Plaintiff's motion to proceed *in forma pauperis* and the Director of CDCR was no longer required to collect payments from Plaintiff's prison trust account. (*Id.*) The Clerk of Court electronically served the Court's September 3, 2021 order on the Director of CDCR. (*See id.*)

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1 It appears that the Director of CDCR may have continued to collect payments from  
2 Plaintiff's trust account despite the Court's September 3, 2021 order vacating the order granting  
3 *in forma pauperis* status. Specifically, the Court received a payment of \$35.01 from Plaintiff's  
4 prison trust account on or about April 12, 2022, which referenced the case number for this case.  
5 Thus, **the Director of CDCR is reminded that no further payments shall be collected from**  
6 **Plaintiff's prison trust account to pay the filing fee in this case** pursuant to the Court's  
7 September 3, 2021 order. The Court will further direct the Clerk of Court to refund any amounts  
8 collected to date as payment for the filing fee.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Clerk of Court is directed to refund all amounts collected as payment for the filing  
11 fee for this case, including the sum of \$35.01 received on or about April 12, 2022; and
- 12 2. The Clerk of Court is further directed to serve copies of: (1) this order; and (2) the  
13 Court's September 3, 2022 order (ECF No. 8) on the Director of the California  
14 Department of Corrections and Rehabilitation via the Court's electronic case filing  
15 system (CM/ECF) and on the Financial Department, U.S. District Court, Eastern  
16 District of California, Sacramento Division.

17 IT IS SO ORDERED.

18 Dated: May 3, 2022

19 /s/ Eric P. Gray  
20 UNITED STATES MAGISTRATE JUDGE  
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